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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. 10-CR-729 EJD
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> <sup>506314</sup>
	)	ORDER CONTINUING HEARING TO
v.	)	MAY 21, 2012
	)	
STEVEN LEE VARGEM,	)	
	)	
Defendant.	)	
	)	
	)	

The Parties, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for April 30, 2012 at 1:30 pm be vacated, and that the hearing be re-set for May 21, 2012 at 1:30 pm. The parties are requesting the continuance of the hearing due to the need for additional time for effective preparation and the need to jointly negotiate a resolution in this matter.

The parties stipulate that the time between April 30, 2012 and May 21, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective

1 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the  
2 ends of justice served by granting the requested continuance outweigh the best interest of the  
3 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18  
4 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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9 DATED: April 25, 2012

MELINDA HAAG  
United States Attorney

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12 /s/  
GARY G. FRY  
Assistant United States Attorney

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14 CAROLYNE A. SANIN  
Special Assistant United States Attorney

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16 /s/  
Don Kilmer  
Attorney for Defendant

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19 **PROPOSED ORDER**

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21 GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY  
22 ORDERED that the hearing currently set for April 30, 2012 at 1:30 p.m., shall be continued to  
23 May 21, 2012, at 1:30 p.m.

24 THE COURT FINDS that failing to exclude the time between April 30, 2012 and May  
25 21, 2012, would unreasonably deny the government continuity of counsel and deny defense  
26 counsel reasonable time necessary for effective preparation, taking into account the exercise of  
27 due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).


28 THE COURT FURTHER FINDS that the ends of justice served by excluding the time  
between April 30, 2012 and May 21, 2012, from computation under the Speedy Trial Act

1 outweigh the interests of the public and the defendant in a speedy trial.

2       THEREFORE, IT IS HEREBY ORDERED that the time between April 30, 2012 and  
3 May 21, 2012, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §  
4 3161(h)(7)(A) and (B)(iv).

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7 IT IS SO ORDERED.

8 DATED: April 26, 2012

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EDWARD J. DAVILA  
10 UNITED STATES DISTRICT JUDGE  
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